

Serial No.: 10/721,665
Atty. Docket No.: D5288

REMARKS

By the Action the Examiner objected to claims 11 and 12, rejected claims 5, 6 and 15-18 under 35 USC 112, second paragraph, as indefinite, further rejected claims 1, 2 and 15-17 as anticipated under 35 USC 102(b) and rejected claims 1-12 and 16-18 as obvious under 35 U.S.C. 103(a).

More particularly, claims 11 and 12 were objected to on the basis of conflicts in the language between those claims and claim 1. Claims 5 and 6 were rejected on the basis of an antecedent basis issue in claim 5 with respect to the term "the floor". Claims 15-18 were rejected on the basis of lack of antecedent basis with respect to the term "the dikes". These rejections can be dealt with summarily. Claims 5 and 6 have been canceled muting the basis for the section 112 rejections. Claim 15 has been amended to consistently refer to "support ribs" instead of mixing "support ribs" and "dikes".

In response to the art cited by the action, claims 1-6 and 8 have been canceled. Claim 7 has been amended to incorporate the limitations of former claim 8 and thus distinguish over the art. Claim 15 has been amended to incorporate analogous limitations to those recited in claim 8 to overcome the art. The objection directed to claims 11 and 12 on account of a conflict in terminology between those claims and claim 1 appears misplaced because claims 11 and 12 did not depend upon now canceled claim 1.

The invention relates to truck tractor structure and more particularly to a fuel tank forming the floor sub-structure of the truck tractor cab. As a floor structure it is self supporting and provides points of support for fixtures installed on the floor of a tractor cab. Integral, internal support elements serve to compartmentalize the fuel tank to limit fuel sloshing and provide the support points.

Claim 15 was rejected as anticipated by either the Chausson '431 patent or, in the alternative, the Wiggins '190 patent. Wiggins is primarily directed to arresting the spread of flames between compartments of an enclosure without inhibiting the

Serial No.: 10/721,665
Atty. Docket No.: D5288

circulation of the contents of the enclosure. An example of such a structure is a multi-compartment fuel tank as described in rather generic terms from col. 4, line 48 to col. 5, line 46 and with reference to Figs. 1 and 2. Tank 20 may be a "self-contained unit" fitted to an aircraft (particularly an aircraft's wing) or "constructed as an integral part of the host structure". If tank 20 is compartmentalized the internal division of the tank may be made using the internal ribs 26 and spars 32, which are typical structural members of an aircraft wing. The spars and ribs are "located to provide the desired rigidity and strength and to otherwise enhance the structural integrity, and their designs and shapes are governed by aerodynamic considerations." The spars and ribs include "lightening holes", which serve to reduce the weight of the structure. The location of the holes may be chosen, to some extent, to facilitate the flow of fuel where the ribs and spars double as divisions of a fuel tank.

The spars and ribs are equated in the Action with the support ribs (formerly dikes) of claim 15. However, the claim as amended requires that the support ribs be "located for and allow attachment of permanent furnishings to be installed in the cab". The cited art, being directed to spars and ribs for a wing clearly fails to meet this limitation. In addition, there is no reason to assume that the tank structure includes "stampings".

As it relates to claim 15, and in brief summary, the Examiner analyzed the Chausson '431 patent as teaching a substructure constructed as an integral part of another structure such as a wing. The top of the wing was equated to the floor as recited in the claim. A "support frame" was identified with a "stamping" having a "perimeter wall". A "plurality of support ribs (3-14) were identified within the perimeter wall arranged orthogonally to the sides of the perimeter wall. The ribs are viewed as defining reservoirs. Channels (20) through the ribs was viewed as interconnecting the reservoirs.

The applicants' analysis differs from the Examiner's analysis in several respects. The Chausson '431 patent is directed to a fuel tank having an internal structure allowing

Serial No.: 10/721,665
Atty. Docket No.: D5288

the tank to be adapted to particularly shaped locations, principally aircraft wings. In some cases the tank can substitute for a vehicle substructure, such as a section of wing. First, it is asserted in the Action that "The support frame includes a stamping having a raised, rectangular perimeter wall . . .". The relevant sections of the patent include Fig. 2 and the specification of the patent at col. 1, beginning at line 50, where it states "The lower section B . . . comprises the bottom wall 1 having a continuous wall structure 2 forming the side and end walls of the section. . .". It is not clear why lower section B should be regarded as a stamping. With respect to the upper section "A" a continuous downturned flange 25 is described as being welded to the top wall 24. The patent does not detail if the same construction method is employed or not with respect to the lower section B, but none of the other elements of the tank are described as having been stamped.

The Examiner also describes the tank as having a "support frame [with] a raised perimeter wall (2) with an upper edge in contact with the floor section and [a] plurality of support ribs (3-14) within the raised, rectangular perimeter wall each of which are orthogonal with respect to a side thereof". Here differing elements are being mixed. The patent shows various stiffeners (e.g. stiffeners 3, 4, 26) and partitions (11, 12, 13, 14). The stiffeners and partitions do not appear to operate cooperatively in substructures such as a dike. With respect to one embodiment the stiffeners are described as being to be transverse to the partitions (see for example, col. 3, lines 55-70.). Only the partitions mark distinct reservoirs, while the stiffeners do not. The partitions are not located and do not serve to support attachment of furnishings. The "stiffeners 26" are essentially C-channel members installed under the top wall of the structure. They cannot function to substantially restrict the flow between "reservoirs" of the tank. Finally no single element pan is taught.

Turning to the rejections based on obviousness and a combination of references, the rejection of claim 16-18 over Chausson in view Wiggins can be seen to fail based on the common deficiencies of the references as described above.

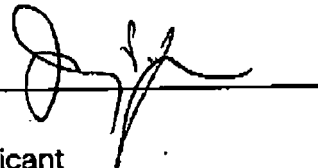
Serial No.: 10/721,665
Atty. Docket No.: D5288

Finally, claim 7-12 were rejected over Schröck (EP 0348383) in view of Chausson and Wiggins. Schröck describes a motorized vehicle (particularly an agricultural tractor) 1 having a fuel tank 4 which is located between the chassis (Fahrgestell) 5 frame rails 10 and under the driver's cab 2. The top of the fuel tank forms the floor 3 of the cab. The fuel tank is located forward from the driver's seat and does not appear to support any of the vehicle cab's interior furnishings. Claim 7, as amended to incorporate a fuel tank which serves to support such objects is thus not taught by this Schröck reference, or by combination of it with the other references.

The dependent claims distinguish still further over the applied art and are allowable as well.

Applicant believes the Claims as amended are in condition for allowance and respectfully requests favorable action by the Examiner.

Respectfully submitted,



Jeffrey P. Calfa
Attorney for Applicant
Reg. No. 37,105

Date: August 24, 2005
Warrenville, IL 60555
Tel. No. 630/753-3023

Serial No.: 10/721,665
Atty. Docket No.: D5288

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this **AMENDMENT UNDER 37 CFR 1.111** is being facsimile transmitted to the Patent and Trademark Office on or before 8/24/05 to (571) 273-8300.

Date: 8/24/05

Cathi Majewski
Cathi Majewski